

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CHARLES DINKEL,
Plaintiff,

vs.

MICHAEL J. ASTRUE,
Defendant.

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CIVIL ACTION


NO. 09-cv-3015

ORDER

AND NOW, this 7th day of March, 2011, upon
consideration of Plaintiff's Motion for Summary Judgment and Defendant's response thereto,
and after careful review of the Report and Recommendation of United States Magistrate Lynne
A. Sitarski, IT IS ORDERED that:

1. The Report and Recommendation is APPROVED and ADOPTED;
2. The Claimant's Request for Review is GRANTED IN PART and DENIED IN PART;
and
3. The matter shall be REMANDED for the ALJ to explicitly consider the testimony of
the lay witness and for reconsideration of Plaintiff's credibility and his residual functional
capacity.

BY THE COURT:



JOHN P. FULLAM, J.